AMENDMENTS TO THE CLAIMS

(Currently Amended) A 2-substituted pyrimidine of the formula I

$$R^{1}$$
 $N^{R^{2}}$ L_{n} R^{4} N^{3}

in which the index and the substituents are as defined below:

- n is an integer from 1 to 5;
- L is halogen, cyano, cyanato (OCN), C₁-C₈-alkyl, C₂-C₆-alkenyl, C₂-C₈-alkynyl, C₁-C₆-alkynyl, C₁-C₆-alkynyl, C₁-C₆-cycloalkyl, C₄-C₆-cycloalkyl, C₄-C₆-cycloalkenyl, C₃-C₆-cycloalkyloxy, C₄-C₆-cycloalkenyloxy, nitro, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, S(=O)_m-A, S(=O)_m-O-A or S(=O)_m-N(A')A,

m is 0, 1 or 2;

A, A', A'' independently of one another are hydrogen, C₁-C₆-alkyl, C₂-C₆-alkenyl,

C₂-C₆-alkynyl, C₃-C₈-cycloalkyl, C₃-C₈-cycloalkenyl, phenyl, where the

organic radicals may be partially or fully halogenated or may be

substituted by nitro, cyanato, cyano or C₁-C₄-alkoxy; or A and A'

together with the atoms to which they are attached are a five- or six
membered saturated, partially unsaturated or aromatic heterocycle which

contains one to four heteroatoms from the group consisting of O, N and

S;

where the aliphatic groups of the radical definitions of L for their part may be partially or fully halogenated or may carry one to four groups R^u;

R^u is cyano, C₁-C₆-alkoxy, C₃-C₆-cycloalkyl, C₂-C₈-alkenyloxy, C₂-C₈-alkynyloxy, C₄-C₆-cycloalkenyl, C₃-C₆-cycloalkyloxy, C₄-C₆-cycloalkenyloxy,
-C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')C(=O)-A, N(A'')-C(=O)-N(A')A, S(=O)_m-A, S(=O)_m-O-A or S(=O)_m-N(A')A;
R¹,R² independently of one another are C₁-C₆-alkyl, C₂-C₆-alkenyl, C₂-C₆-alkynyl,
C₃-C₆-cycloalkyl, or C₃-C₆-halocycloalkyl, where the aliphatic group of the radical definitions of R¹ and R² for their part may be partially or fully

halogenated or may carry one to four groups Rv:

R^v is cyano, C₃-C₆-cycloalkyl, C₄-C₆-cycloalkenyl, hydroxyl, C₁-C₆-alkoxy, C₂-C₈-alkenyloxy, C₂-C₈-alkynyloxy, C₃-C₆-cycloalkyloxy, C₄-C₆-cycloalkyloxy, C₄-C₆-cycloalkenyloxy, C₁-C₆-alkylthio, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A")-C(=O)-N(A')A, S(=O)_m-A, S(=O)_m-O-A or S(=O)_m-N(A')A or phenyl, where the phenyl moiety may carry one to three radicals selected from the group consisting of: halogen, C₁-C₆-alkyl, C₂-C₆-alkenyl, C₂-C₆-alkynyl, C₃-C₆-cycloalkyl, C₁-C₆-haloalkyl, C₁-C₆-alkoxy, cyano, nitro, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(-N-OA), N(A')A; or

R2 may additionally be hydrogen; or

R¹ and R² may also, together with the nitrogen atom to which they are attached, form a saturated or unsaturated five- or six-membered ring which may be interrupted by an ether (-O-), carbonyl (C=O), thio (-S-), sulfoxyl (-S[=O]-) or sulfenyl (-SO₂-) or a further amino (-N(R*) group, where R* is hydrogen or C₁-C₆-alkyl, and/or may contain one or more substituents from the group consisting of halogen, C₁-C₆-alkyl, C₁-C₆-haloalkyl and oxy-C₁-C₃-alkyleneoxy;

- R³ is halogen, cyano, C₁-C₄-alkyl, C₂-C₄-alkenyl, C₂-C₄-alkynyl, C₃-C₆-cycloalkyl, C₁-C₄-alkoxy, C₃-C₄-alkenyloxy, C₃-C₄-alkylyloxy, C₁-C₆-alkylthio, di-(C₁-C₆-alkyl)amino or C₁-C₆-alkylamino, where the alkyl, alkenyl and alkynyl radicals of R³ may be substituted by halogen, cyano, nitro, C₁-C₂-alkoxy or C₁-C₄-alkoxycarbonyl:
- R4 corresponds to one of the formulae

where

- X is a direct bond, -(C=O)-, -(C=O)-NH-, -(C=O)-O-, -O-, -NR^c. -CH₂O(C=O)-, -C=C-(C=O)- -CH=CH-(C=O)-, where in each case the left moiety is attached to the nitrogen atom;
- R^a is hydrogen, C₁-C₆-alkyl, C₂-C₈-alkenyl, C₂-C₈-alkynyl or benzyl;
- R^b is hydrogen, C₁-C₆-alkyl, C₂-C₆-alkenyl or C₂-C₈-alkynyl;

 R^c is hydrogen, C_1 - C_6 -alkyl, C_2 - C_6 -alkenyl, C_2 - C_8 -alkynyl, benzyl or C_1 - C_6 -acyl, where the aliphatic, alicyclic or aromatic groups of the radical definitions of R^a , R^b and/or R^c for their part may carry one to four groups R^w :

- $$\begin{split} R^w & \text{ is halogen, cyano, } OR^x, NHR^x, SR^x, C_1-C_6-alkyl, $C_2-C_6-alkenyl, $C_2-C_6-alkenyl, $C_1-C_6-alkenyl, $C_1-C_6-alkenyl, $C_1-C_4-alkenyl, $C_1-C_4-alkenyl, $C_1-C_4-alkyl, $C_1-C_4-alkyl$$
 - R^{x} is hydrogen, C_1 - C_6 -alkyl, C_2 - C_8 -alkenyl, C_2 - C_8 -alkynyl or benzyl.
- (Currently Amended) The 2-substituted pyrimidine of the formula I as
 claimed in claim 1 in which the index and the substituents are as defined below:
- is an integer from 1 to 3, where at least one substituent L is located in the orthoposition on the phenyl ring;
- L is halogen, cyano, methyl, methoxy, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A,
- A,A' independently of one another are hydrogen, C₁-C₆-alkyl, C₂-C₆-alkenyl, C₂-C₆-alkenyl, phenyl, where the organic radicals may be partially or fully halogenated or may be substituted by C₁-C₄-alkoxy; or A and A' together with the atoms to which they are attached are a five- or six-membered saturated heterocycle which contains one or two heteroatoms from the group consisting of O, N and S; where the aliphatic groups of the radical definitions of L for their part may be partially or fully halogenated;

 R^1 , R^2 independently of one another are C_1 - C_6 -alkyl, C_2 - C_6 -alkenyl, C_2 - C_6 -alkynyl, C_1 - C_6 -haloalkyl, C_2 -

R2 may additionally be hydrogen;

 R^1 and R^2 may also, together with the nitrogen atom to which they are attached, form a saturated or unsaturated five- or six-membered ring which may be interrupted by an ether (-O-) or a further amino ($-N(R^n)$) group, where R^n is hydrogen or C_1-C_6 -alkyl, and/or may contain one or more substituents from the group consisting of halogen, C_1-C_6 -alkyl, C_1-C_6 -haloalkyl and oxy- C_1-C_3 -alkyleneoxy;

- R3 is halogen, cyano, C1-C4-alkyl, C1-C4-alkoxy or C1-C4-haloalkyl;
- R⁴ corresponds to one of the formulae

where

X is a direct bond, -(C=O)-, -(C=O)-NH-, -(C=O)-O-, -O-, -NR^e-, where in each case the left moiety is attached to the nitrogen atom;

Ra is hydrogen, methyl, allyl or propargyl;

Rb is hydrogen, C1-C4-alkyl, allyl or propargyl;

Rc is hydrogen, methyl or C1-C4-acyl,

where the aliphatic groups of the radical definitions of R^a , R^b and/or R^c for their part may carry one or two groups R^w :

- R^w is halogen, OR^x, NHR^x, C₁-C₆-alkyl, C₁-C₄-alkoxycarbonyl, C₁-C₄-acylamino,
 [1,3]dioxolane-C₁-C₄-alkyl, [1,3]dioxane-C₁-C₄-alkyl, where
 R^x is hydrogen, methyl, allyl or propargyl.
- (Original) The 2-substituted pyrimidine as claimed in claim 1 in which R³ is chlorine, cvano, methyl or methoxy.
- (Original) The 2-substituted pyrimidine as claimed in claim 1 in which R⁴ corresponds to a formula

where X is a direct bond, -O- or -(C=O)-O-, and Ra is hydrogen or C1-C6-alkyl.

 (Previously Presented) The 2-substituted pyrimidine as claimed in claim 1 in which the phenyl group substituted by L_n is the group B

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where # is the point of attachment to the pyrimidine skeleton and

- L1 is fluorine, chlorine, CH3 or CF3;
- L², L⁴ independently of one another are hydrogen, CH₃ or fluorine;

L³ is hydrogen, fluorine, chlorine, cyano, CH₃, SCH₃, OCH₃, SO₂CH₃, NH-C(=0)CH₃, N(CH₃)-C(=0)CH₃ or COOCH₃ and

- L5 is hydrogen, fluorine, chlorine or CH3.
- 6. (Currently Amended) A process for preparing the compounds IA by hydrolysis

of the nitriles of the formula IV, where the substituents R^1 , R^2 , R^3 and L and the index n are as defined in claim 1, which comprises carrying out the hydrolysis in the presence of a base and $\lceil |of| \rceil$ hydrogen peroxide.

 (Original) A process for preparing the compounds IA' and IC according to the invention where the substituents L_n, R¹, R², R³, X, R^a and R^b are as defined in claim 1, which process uses nitriles of the formula IV

which are converted with alcohols of the formula R'OH, where R' is C₁-C₈-alkyl, C₂-C₈-alkenyl, C₂-C₈-alkynyl or C₃-C₆-cycloalkyl, where the radicals alkyl, alkenyl and alkynyl may be partially or fully halogenated and may carry one to three groups R^v, into the esters of the formula V, which are then, using amines R^a-X-NH₂ and added dehydrating agents, converted into the amides IA' and further, in the presence of carbon tetrahalide and triarylphosphine, into the imine halides of the formula VI and finally, with alcohols of the formula R^bOH and bases, into the imine ethers of the formula IC.

8. (Currently Amended) An ester of the formula V

in which the substituents $R^{\frac{1}{2}}$, $R^{\frac{3}{2}}$, $R^{\frac{3}{2}}$ and L_n are as defined in claim 1 and are as defined below:

- n is an integer from 1 to 5;
- L is halogen, cyano, cyanato (OCN), C₁-C₈-alkyl, C₂-C₈-alkenyl, C₂-C₈-alkynyl, C₁-C₆-alkynyl, C₁-C₆-alkynyloxy, C₂-C₈-alkynyloxy, C₂-C₈-cycloalkyl, C₄-C₆-cycloalkenyl, C₂-C₆-cycloalkyloxy, C₄-C₆-cycloalkenyloxy, nitro, -C(=O)-A, -C(=O)-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, S(=O)_m-A, S(=O)_m-O-A or S(=O)_m-N(A')A.
 - m is 0. 1 or 2:
 - A. A', A'' independently of one another are hydrogen, C₁-C₅-alkv₁, C₂-C₅-alkenyl, C₂-C₅-alkv₁, C₃-C₅-cycloalkyl, C₃-C₈-cycloalkenyl, phenyl, where the organic radicals may be partially or fully halogenated or may be substituted by nitro, cyanato, cyano or C₁-C₄-alkoxy; or A and A' together with the atoms to which they are attached are a five- or sixmembered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S:

where the aliphatic groups of the radical definitions of L for their part may be partially or fully halogenated or may carry one to four groups R^u;

R^u is cyano, C₁-C₈-alkoxy, C₃-C₆-cycloalkyl, C₂-C₈-alkenyloxy, C₂-C₈-alkynyloxy, C₄-C₆-cycloalkenyloxy, C₄-C₆-cycloalkenyloxy, C₄-C₆-cycloalkenyloxy,

-C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m-A$, $S(=O)_m-O-A$ or $S(=O)_m-N(A')A$; R^1,R^2 independently of one another are C1-C6-alkyl, C2-C6-alkenyl, C2-C6-alkynyl, C3-C6-cycloalkyl, or C3-C6-halocycloalkyl, where the aliphatic group of the radical definitions of R¹ and R² for their part may be partially or fully halogenated or may carry one to four groups Ry: R^v is cyano, C3-C6-cycloalkyl, C4-C6-cycloalkenyl, hydroxyl, C1-C6-alkoxy, C2-C8-alkenyloxy, C2-C8-alkynyloxy, C3-C6-cycloalkyloxy, C4-C6cycloalkenyloxy, C₁-C₆-alkylthio, -C(=O)-A₂ -C(=O)-O-A₂ -C(=O)-N(A')A₃ C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A")-C(=O)-N(A')A, S(=O)m-A, S(=O)_m-O-A or S(=O)_m-N(A')A or phenyl, where the phenyl moiety may carry one to three radicals selected from the group consisting of: halogen, C1-C6alkyl, C2-C6-alkenyl, C2-C6-alkynyl, C3-C6-cycloalkyl, C1-C6-haloalkyl, C1-C6alkoxy, cvano, nitro, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(-N-OA), N(A')A: or

R² may additionally be hydrogen; or

R¹ and R² may also, together with the nitrogen atom to which they are attached, form

a saturated or unsaturated five- or six-membered ring which may be interrupted

by an ether (-O-), carbonyl (C=O), thio (-S-), sulfoxyl (-S[=O]-) or sulfenyl

(-SO₂-) or a further amino (-N(R*) group, where R* is hydrogen or C₁-C₆
alkyl, and/or may contain one or more substituents from the group consisting of

halogen, C₁-C₆-alkyl, C₁-C₆-haloalkyl and oxy-C₁-C₂-alkyleneoxy;

R³ is halogen, cyano, C₁-C₄-alky₁, C₂-C₄-alkeny₁, C₂-C₄-alkyny₁, C₃-C₆cycloalky₁, C₁-C₄-alkoxy, C₃-C₄-alkenyloxy, C₃-C₄-alkynyloxy, C₁-C₆alkylthio, di-(C₁-C₆-alky₁)amino or C₁-C₆-alkylamino, where the alky₁, alkenyl
and alkyny₁ radicals of R³ may be substituted by halogen, cyano, nitro, C₁-C₂alkoxy or C₁-C₄-alkoxycarbony₁;

- R' is C₁-C₈-alkyl, C₂-C₈-alkenyl, C₂-C₈-alkynyl or C₃-C₆-cycloalkyl, where the radicals alkyl, alkenyl and alkynyl may be partially or fully halogenated and may carry one to three groups R^{*}.
- (Original) The ester as claimed in claim 8 where R' is isopropyl.
- 10. (Currently Amended) An imine halide of the formula [[IV]] VI

$$\begin{array}{c|c} R^1 & R^2 \\ & &$$

where the substituents L_{n} , R^{1} , R^{2} , R^{2} , R^{2} , X and R^{a} are as defined in claim 1 the substituents are as defined below:

- n is an integer from 1 to 5;
- L is halogen, cyano, cyanato (OCN), C₁-C₈-alkyl, C₂-C₈-alkenyl, C₂-C₈-alkynyl, C₁-C₆-alkynyloxy, C₂-C₈-cycloalkyl, C₄-C₆-cycloalkyl, C₄-C₆-cycloalkyl,

C₃-C₆-cycoalkyloxy, C₄-C₆-cycloalkenyloxy, nitro, -C(=0)-A, -C(=0)-A, -C(=0)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=0)-A, N(A'')-C(=0)-N(A')A, S(=0)_m-A, S(=0)_m-O-A or S(=0)_m-N(A')A,

m is 0, 1 or 2;

A. A.', A.'' independently of one another are hydrogen, C₁-C₆-alkyl, C₂-C₆-alkenyl,

C₂-C₈-alkynyl, C₃-C₈-cycloalkyl, C₂-C₈-cycloalkenyl, phenyl, where the

organic radicals may be partially or fully halogenated or may be

substituted by nitro, cyanato, cyano or C₁-C₄-alkoxy; or A and A'

together with the atoms to which they are attached are a five- or six
membered saturated, partially unsaturated or aromatic heterocycle which

contains one to four heteroatoms from the group consisting of O. N and

S;

where the aliphatic groups of the radical definitions of L for their part may be partially or fully halogenated or may carry one to four groups R^u.

- R^u is cyano, C₁-C₆-alkoxy, C₂-C₈-cycloalkyl, C₂-C₈-alkenyloxy, C₂-C₈alkynyloxy, C₄-C₆-cycloalkenyl, C₂-C₆-cycloalkyloxy, C₄-C₆-cycloalkenyloxy,
 -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')C(=O)-A, N(A'')-C(=O)-N(A')A, S(=O)_m-A, S(=O)_m-O-A or S(=O)_m-N(A')A;
- R¹,R² independently of one another are C₁-C₆-alkyl, C₂-C₆-alkenyl, C₂-C₆-alkenyl, C₂-C₆-alkynyl,

 C₃-C₆-cycloalkyl, or C₃-C₆-halocycloalkyl, where the aliphatic group of the radical definitions of R¹ and R² for their part may be partially or fully halogenated or may carry one to four groups R¹.

R^v is cyano, C₃-C₆-cycloalkyl, C₄-C₆-cycloalkenyl, hydroxyl, C₁-C₆-alkoxy, C₂-C₃-alkenyloxy, C₂-C₆-cycloalkyloxy, C₄-C₆-cycloalkenyloxy, C₂-C₆-alkynyloxy, C₃-C₆-cycloalkyloxy, C₄-C₆-cycloalkenyloxy, C₁-C₆-alkylthio, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, S(=O)_m-A, S(=O)_m-O-A or S(=O)_m-N(A')A or phenyl, where the phenyl moiety may carry one to three radicals selected from the group consisting of: halogen, C₁-C₆-alkyl, C₂-C₆-alkynyl, C₂-C₆-cycloalkyl, C₁-C₆-haloalkyl, C₁-C₆-alkoxy, cyano, nitro, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(-N-OA), N(A')A; or

R² may additionally be hydrogen; or

- R¹ and R² may also, together with the nitrogen atom to which they are attached, form

 a saturated or unsaturated five- or six-membered ring which may be interrupted

 by an ether (-O-), carbonyl (C=O), thio (-S-), sulfoxyl (-S[=O]-) or sulfenyl

 (-SO₂-) or a further amino (-N(R*) group, where R* is hydrogen or C₁-C₆
 alkyl, and/or may contain one or more substituents from the group consisting of

 halogen, C₁-C₆-alkyl, C₁-C₆-haloalkyl and oxy-C₁-C₃-alkyleneoxy;
- R³ is halogen, cyano, C₁-C₄-alkyl, C₂-C₄-alkenyl, C₂-C₄-alkynyl, C₃-C₆cycloalkyl, C₁-C₄-alkoxy, C₃-C₄-alkenyloxy, C₃-C₄-alkynyloxy, C₁-C₆alkylthio, di-(C₁-C₆-alkyl)amino or C₁-C₆-alkylamino, where the alkyl, alkenyl
 and alkynyl radicals of R³ may be substituted by halogen, cyano, nitro, C₁-C₂alkoxy or C₁-C₄-alkoxycarbonyl;

X is a direct bond, -{C=O}-, -{C=O}-NH-, -{C=O}-O-, -O-, -NR^c-, -CH₂O-(C=O)-, -CH=CH-(C=O)-, where in each case the left moiety is attached to the nitrogen atom;

- R^a is hydrogen, C₁-C₆-alkyl, C₂-C₈-alkenyl, C₂-C₈-alkynyl or benzyl; and Hal is fluorine, chlorine, bromine or iodine.
- 11. (Original) A pesticide which comprises a solid or liquid carrier and a compound of the formula I as claimed in claim 1.
- (Previously Presented) A pesticide which comprises a solid or liquid carrier and a compound of the formula V as claimed in claim 8.
- 13. (Original) A method for controlling phytopathogenic harmful fungi, which comprises treating the fungi or the materials, plants, the soil or the seeds to be protected against fungal attack with an effective amount of a compound of the formula I as claimed in claim 1.
- 14. (Previously Presented) A method for controlling phytopathogenic harmful fungi, which comprises treating the fungi or the materials, plants, the soil or the seeds to be protected against fungal attack with an effective amount of a compound of the formula V as